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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/892,174

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Jukka-Pekka Iivonen

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04/10/2006

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EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/892,174

Applicant(s)

IIVONEN, JUKKA-PEKKA

Examiner

Son P. Huynh

Art Unit

2623

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 16 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-19.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

HAI TRAN  
PRIMARY EXAMINER

Continuation of 3. NOTE: amendment to the claims such as "send synchronization messages to the plurality of user terminals..." in line 4 of claim 19 instead of "... send synchronization messages from the plurality of user terminals" and/or "user terminal" in claims 1, 12 instead of "terminals" change the scope of the claims and require further consideration and/or search.

Applicant argues the cited references fail to disclose or suggest the feature of "controlling the playback in the plurality of user equipment by utilizing at least information received in a message from a user terminal with highest priority". (page 13, paragraph 2, lines 4, page 15, paragraph 2, lines 3-5, page 16, paragraph 2, lines 1-4).

In response, this argument is respectfully traversed. Osawa discloses video editing unit 106 of providing host 103 (figure 1A), in response to a request received from a particular user, can simultaneously transmit the requested video information to user terminals that a plurality of users operate (col. 4, lines 25-36). The writing unit controls the editing unit permits whether or not a user as a simultaneous transmission destination can edit video information with a manual interrupt operation on the user terminal. When the manual interrupt operation is permitted, the video information editing unit edits video information corresponding to a manual interrupt operation by a user on the user terminal (i.e. the particular user such as the teacher -see including, but are not limited to, col. 4, lines 37-53; col. 6, lines 15-61). By doing so, the playback in the plurality of user equipment (e.g. user equipment of the same group such as equipments of students) is controlled by utilizing at least one information received in the message from a user terminal with highest priority (e.g. information received in manual interrupt operation request from the particular user with highest priority such as the teacher and the playback is controlled according to the manual interrupt operation request).

Applicant further argues Osawa fails to disclose or suggest how to allow for the synchronization of service to a plurality of user equipment (i.e., storing at least part of the recording prior to its playback, sending a start command to each user terminal of the group and in response to the start command starting the playback of the recording at each terminal (page 13, paragraph 2, lines 9-13).

In response, this argument is respectfully traversed. The claim recites "storing at least part of the recording prior to its playback at each terminal; sending a start command to each terminal of the group; in response to the start command, starting the playback of the recording at each terminal;" (claim 1, lines 11-14). Osawa discloses user terminal comprises a buffer that stores requested video information received from the video information providing host for each period of time or for each predetermined data amount - col. 5, lines 20-33). Thus, at least part of recording (i.e. corresponding to period of time or predetermined data amount of the video information) is stored in the buffer prior to its playback. Osawa further discloses sending connection request to all user terminals 200 designated as the simultaneous transmission destination corresponding to the addresses (col. 16, lines 5-12), and each of user terminals 200 (e.g. member of the same group), in response to the connection request, starting the playback of the video information requested by the particular user (i.e. teacher) - see including, but are not limited to, col. 6, lines 25-51, col. 16, lines 20-67). Thus, the claimed feature " sending a start command to each terminal of the group" is broadly interpreted as sending connection request to each destination corresponding to the address of user terminal (i.e. terminal of member of the same group), and "in response to the start command, starting the playback of the recording at each terminal" is broadly interpreted as after receiving connection request, starting playback of the video information.

In response to applicant's request for evidence that terminals are terminals in a mobile network (page 17, lines 1-4), the examiner provides US 2005/0028208 ( see paragraph 0059), US (6,973,662 - col. 23, lines 30-37); US ( 6,263,503 - see col. 5, lines 25-33 and figure 1) as evidence to support the Official Notice taken by the examiner that having terminal such as PDAs, laptop computers, etc. of a mobile network.

For the reasons given above, rejections on claims 1-19 are maintained and are analyzed as discussed in the Final Office Action mailed December 16, 2005